AN EDUCATIONAL UPDATE FROM THE SOUTHEAST LAW INSTITUTE™, INC.

To: **Interested Persons**
Date: **November 2026**
From: **A. Eric Johnston**
RE: **Vigilance for our Religious Freedom**

The state of California recently passed a new law which goes into effect January 1, 2028. It is an expansion of California's Hate Crime's law to include speech in the employment context. It includes the following:

"…[a]n employer having 5 or more employees shall provide at least 2 hours of classroom or other effective interactive training and education regarding sexual harassment…."

"….[a]n employer shall provide training inclusive of harassment based on gender-identity, gender-expression, and sexual orientation … The training and education shall include practical examples inclusive of harassment based on gender-identity, gender-expression, and sexual orientation, and shall be presented by trainers or educators' which knowledge and expertise in those areas."

"…[a]busive conduct may include…the use of derogatory remarks, insults and epithets… that a reasonable person would find threatening, intimidating or humiliating…"

This is an expansion of California's existing hate crimes law. Hate crimes laws were originally proposed by the LGBTQ+ community to enhance criminal penalties based on alleged "hate." The initial passage of such laws in years past, would often not include comments on sexual perversion. However, those laws are now being amended to include penalties for comments related to LGBTQ+ preferences, which is establishing the long-term goals of LGBTQ+ advocates.

Also, most troubling, this change to the California law does not exempt churches, ministries and other religious organizations from its application. Protestant, Catholic and some other religions condemn sexual perversion such as homosexuality, transgenderism, *etcetera.* Consequently, with such a law going into effect, churches in California will find themselves in legal trouble for preaching against sexual perversion. The California Family Council and a number of pastors have condemned the new law warning that traditional Christian teachings on sexuality, marriage and gender will constitute hate speech. Not only will the church be penalized for teaching against these things, but, as you see above, they will be required to have training sessions by LGBTQ+ experts on the subject. It is hard to imagine churches being required to do that. Additionally, some church or ministry employers who may have a "conscience" objection, are not exempt from this law. Many employers are religious people with scriptural beliefs and operate their businesses in that fashion. Now, California employees will be required to have their employees taught that LGBTQ+ sexual preferences are acceptable. This violates freedom of religion and speech. Everyone is entitled to their own beliefs, but those beliefs should not be forced upon others who have different beliefs. This is particularly true for Christians who try daily to live a Christ-centered and oriented lives, including churches and employees.

So why is that important to Alabama? In 1994, the Alabama Legislature passed its own version of a hate-crimes law, *viz*., §13-A-5-13, Code of Alabama. It presently includes race, color, religion, national origin, ethnicity, or physical or mental disability. While these are legitimate areas of concern, and there should not be hateful speech directed at those people, the problem is that the pre-existence of this statute makes possible its modification at some future date to include the same additions that California has recently made.

In 1994, when the Alabama Legislature was considering passing a hate-crimes law, we spoke against it for the various reasons explained above. We knew at that time the ultimate goal would be to legitimize sexual perversion. We knew who would be a threat. While we do not see that threat on the immediate horizon, it always lurks in the passage of time to amend an existing law. It is much easier to do than to pass a new law. In 1994, we also explained there are existing criminal penalties for the commission of crimes. We do not need to add additional penalties because someone may have had a hateful attitude. Obviously, they had a hateful attitude, or they would not have committed the crime.

We must be ever vigilant about religious freedom. It is likely lawsuits will be filed in California to protect the free speech and freedom of religion rights protected by the First Amendment to the U.S. Constitution. We are hopeful those efforts will prevail and this law will be found unconstitutional. In Alabama, should our hate-crimes law be expanded, we have additional protections such as the Alabama Religious Freedom Amendment. When the Alabama law was passed in 1994, both chambers of the legislature and the governor were all Democrats. In 2010, Republicans took control of those offices. While Republicans may be more conservative in their views, over time, pressure may be brought to once again visit Alabama's hate-crimes law. We must be ever vigilant to protect the rights and freedoms that we individually and corporately enjoy. This will be true in the upcoming 2027 regular session of the Alabama Legislature. We are hopeful the bill filed last year to protect churches from protester invasions will again be considered and made law. After the church invasions in Minnesota, it became apparent there is less and less respect for the rights of churches. As James Madison said, "it is proper to take alarm at the first experiment on our liberties."